



OFFICE OF THE ELECTION OFFICER  
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February 18, 1991

VIA UPS OVERNIGHT

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Larry Brennan  
President  
IBT Local Union 337  
245 Brookridge Road  
Ann Arbor, Michigan 48103

Re: Election Office Case No. P-490-LU243-MGN

Gentlemen

Complainant David Staiger filed this pre-election protest pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") Complainant states that Larry Brennan, accredited candidate for International Vice President, in his campaign material published in the February Teamster issue of the "International Teamster" included an endorsement by James P Hoffa, Jr It is alleged that Mr Hoffa is an employer since he is the sole proprietor of a law firm, which has employees The protest contends that since Mr.

Hoffa is an employer his endorsement constituted an improper employer contribution to the Brennan campaign.<sup>1</sup>

The protestor contends that Mr. Hoffa cannot be considered a member of the Teamsters since he is not "working in the craft." He purportedly does not come within the exceptions for those who may retain their membership while unemployed, by taking a temporary or part-time job outside the craft, since he allegedly has never worked in the craft. The protestor claims that Mr. Hoffa cannot be considered to be "working in the craft," by virtue of being a Union Officer or full-time employer since his only Union employment is as an "Administrative Assistant" to Larry Brennan

The *Rules* do prohibit, with certain limited exceptions, employer contributions to the campaigns of any candidate See Article X, Section 1(b).

However, a check of the TITAN records reveals that Mr Hoffa is a dues-paying member of Local Union 283 Whether Mr Hoffa meets the requirement of full-time employment at the craft, a pre-requisite to eligibility to seek an officer or a delegate position, is not relevant to the issue of membership. The IBT Constitution, Article II, Section 2(a) grants membership to "any person" who complies with the requirements of the Constitution and takes the requisite oath of office. That the person may be an employer does not bar his membership in the Union. See e.g., IBT Constitution, Article II, Section 2(b) and (c).

The *Rules* provide that all members "retain the right to participate in campaign activities " *Rules*, Article VIII, Section 10(a). Further, the *Rules* permit campaign contributions by any member, whether or not such member is an employer. *Rules*, Article X, Section 1(a)(5) Also, it should be noted that the Consent Order, at paragraph 8, provides that ". . . [n]othing herein shall be interpreted to prohibit receipt of contributions from . . . members of this International Union . . ."

Since Mr. Hoffa is a Union member, whether or not eligible to vote, nominate or run for Union office, he may contribute to the campaign of Mr Brennan or other candidates for International officer or delegate positions Accordingly this protest is DENIED.

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal Requests for a hearing shall be made in writing, and shall be served on Independent Administrator Frederick B Lacey at LeBoeuf, Lamb, Leiby

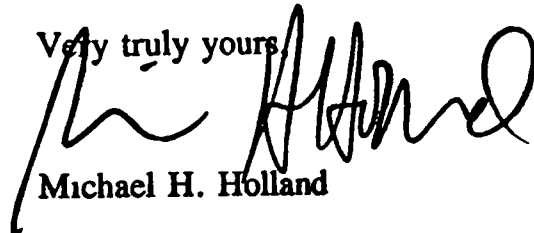
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<sup>1</sup> It is also alleged that "Hoffa has no doubt provided other items of value to Brennan, Mike Bain, and other family friends and associates " The protestor calls upon the Election Office to conduct a "thorough investigation of all of Hoffa's contributions to the officer and delegate elections."

David Staiger  
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& MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201) 622-6693. Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N.W., Washington, D C. 20001, Facsimile (202) 624-8792 A copy of the protest must accompany the request for a hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael H. Holland", written over the typed name below.

Michael H. Holland

MHH/ads

cc. Frederick B Lacey, Independent Administrator  
James De Haan, Regional Coordinator